

**EXECUTIVE SUMMARY SHEET**  
CITY OF SAN DIEGO

DATE ISSUED:	REPORT NO:
ATTENTION:	Council President and Council Members
ORIGINATING DEPARTMENT:	Legislative and Community Services
SUBJECT:	Conflict of Interest Code- Charter Review Committee
COUNCIL DISTRICT(S):	
CONTACT/PHONE NUMBER:	Job Nelson 619-236-5980

**REQUESTED ACTION:**

Adopt the Conflict of Interest Code for the Charter Review Committee

**STAFF RECOMMENDATION:**

Approve the Resolution

**EXECUTIVE SUMMARY:**

On March 20, 2007 the Mayor announced the appointment of 15 individuals (including a committee member from each council district recommended by their respective City Council Member) to the Charter Review Committee. The Charter Review Committee will be tasked with recommending modifications or clarifications to the San Diego City Charter relating to financial reform, duties of elected officials, separation of powers, budget authority and the strong mayor form of governance.

The Mayor has recommended that a Conflict of Interest Code for the Charter Review Committee be adopted to ensure transparency and avoid any potential financial conflicts. The Committee Members will file their statement of economic interests with the City Clerk.

**FISCAL CONSIDERATIONS:**

There are no fiscal considerations

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

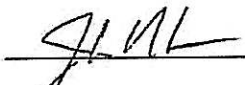
There are no previous Council or Committee actions


**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

No support or opposition

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

No projected impacts.

  
\_\_\_\_\_  
Originating Department

  
\_\_\_\_\_  
Deputy Chief/Chief Operating Officer

<b>REQUEST FOR COUNCIL ACTION</b> CITY OF SAN DIEGO				1. CERTIFICATE NUMBER (FOR AUDITOR'S USE ONLY)			
TO: CITY ATTORNEY		2. FROM (ORIGINATING DEPARTMENT): Mayor's Office		3. DATE: 4/4/07			
4. SUBJECT: ADOPTING A CONFLICT OF INTEREST CODE FOR THE CHARTER REVIEW COMMITTEE							
5. PRIMARY CONTACT (NAME, PHONE & MAIL STA.) Julie Dubick, MS 11A (619) 236-5929			6. SECONDARY CONTACT (NAME, PHONE & MAIL STA.) Job Nelson, MS 11A (619) 236-6330		7. CHECK BOX IF REPORT TO COUNCIL IS ATTACHED <input type="checkbox"/>		
<b>8. COMPLETE FOR ACCOUNTING PURPOSES</b>							
FUND				9. ADDITIONAL INFORMATION / ESTIMATED COST:			
DEPT.							
ORGANIZATION							
OBJECT ACCOUNT							
JOB ORDER							
C.I.P. NUMBER							
AMOUNT							
<b>10. ROUTING AND APPROVALS</b>							
ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED	ROUTE (#)	APPROVING AUTHORITY	APPROVAL SIGNATURE	DATE SIGNED
1	ORIGINATING DEPARTMENT	<i>Joe P. Nelson</i>	4/13/07	8	DEPUTY CHIEF	<i>HN</i>	4/13/07
2				9	COO		
3				10	CITY ATTORNEY		
4	LIAISON OFFICE			11	ORIGINATING DEPARTMENT		
5				DOCKET COORD: _____ COUNCIL LIAISON: _____ <input checked="" type="checkbox"/> COUNCIL PRESIDENT <input type="checkbox"/> SPOB <input type="checkbox"/> CONSENT <input type="checkbox"/> ADOPTION <input type="checkbox"/> REFER TO: _____ COUNCIL DATE: _____			
6							
7							
11. PREPARATION OF: <input type="checkbox"/> RESOLUTION(S) <input type="checkbox"/> ORDINANCE(S) <input type="checkbox"/> AGREEMENT(S) <input type="checkbox"/> DEED(S)							
1. Adopting a Conflict of Interest Code for the newly formed Charter Review Committee							
11A. STAFF RECOMMENDATIONS: Approve the Recommendation							
12. SPECIAL CONDITIONS:							
COUNCIL DISTRICT(S):		ALL					
COMMUNITY AREA(S):		ALL					
ENVIRONMENTAL IMPACT:		N/A					
HOUSING IMPACT:		N/A					
OTHER ISSUES:		N/A					

RESOLUTION NUMBER R-\_\_\_\_\_

DATE OF FINAL PASSAGE \_\_\_\_\_

RESOLUTION ADOPTING A CONFLICT OF INTEREST  
CODE FOR THE CHARTER COMMITTEE

WHEREAS, Government Code sections 87300 and 87302 require local agencies to adopt conflict of interest codes designating positions that involve the making or participation in making of decisions which may foreseeably have a material effect on financial interests, and for each position, the financial interests which are reportable; and

WHEREAS, on March 20, 2007, the Mayor announced the appointment of 15 individuals to serve as members of the newly created Charter Committee; and

WHEREAS, the Charter Committee will make recommendations to the Mayor and City Council on specific ballot measures related to the City Charter including recommendations relating to financial reform, duties of elected officials, separation of powers, budget authority, veto override, mayor's role in redevelopment and land use, and the strong mayor form of governance; and

WHEREAS, the Mayor has recommended that a Conflict of Interest Code for the Charter Committee be adopted; and

WHEREAS, the City Council concurs in this recommendation; NOW THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that a Conflict of Interest Code for Community and Legislative Services is hereby adopted, consisting of standard language embodied in title 2, section 18730 of the California Code of Regulations, and any amendments to that regulation duly adopted by the Fair Political Practices Commission, with

Appendix A showing designated positions and their duties, and Appendix B showing the disclosure categories.

BE IT FURTHER RESOLVED, that a copy of the Conflict of Interest Code for the Charter Committee as adopted be placed on file with the Office of the City Clerk as Document No. RR-\_\_\_\_\_.

BE IT FURTHER RESOLVED, that the persons whose positions are designated in the Conflict of Interest Code for the Charter Committee shall file their statements of economic interest with the City Clerk.

BE IT FURTHER RESOLVED, that the statements of economic interest filed by designated persons be retained by the Office of the City Clerk and be made available for public inspection and reproduction.

BE IT FURTHER RESOLVED, that the Conflict of Interest Code for the Charter Committee becomes effective upon the date of final passage of this resolution.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By \_\_\_\_\_  
Catherine M. Bradley  
Chief Deputy City Attorney

CB:als  
04/04/07  
Or.Dept:Mayor

I hereby certify that the foregoing Resolution was passed by the Council of the City of San Diego, at this meeting of \_\_\_\_\_.

ELIZABETH S. MALAND  
City Clerk

By \_\_\_\_\_  
Deputy City Clerk

Approved: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

Vetoed: \_\_\_\_\_  
(date)

\_\_\_\_\_  
JERRY SANDERS, Mayor

**CHARTER REVIEW COMMITTEE  
CONFLICT OF INTEREST CODE**

**APPENDIX A  
DESIGNATED POSITIONS, DUTIES AND CATEGORIES**

<b><u>POSITION</u></b>	<b><u>DUTIES</u></b>	<b><u>CATEGORY</u></b>
<b>Charter Review Committee Member</b>	Make recommendations to the Mayor and City Council on specific ballot measures related to the City Charter. Such recommendations may include matters relating to financial reform, duties of elected officials, separation of powers, budget authority, veto override, mayor's role in redevelopment and land use, and the strong mayor form of governance.	1
<b>Consultant</b>	Performs consultant services as specified in contract.	2

# **CHARTER REVIEW COMMITTEE CONFLICT OF INTEREST CODE**

## **APPENDIX B DISCLOSURE CATEGORIES**

### **CATEGORY 1:**

- a. Investments and business positions in any business entity located in or doing business in the City of San Diego.
- b. Income (including loans, gifts, and travel payments) from sources located in or doing business in the City of San Diego.
- c. Interests in real property located in the City of San Diego, including property located within a two-mile radius of any property owned or used by the City.

### **CATEGORY 2:**

Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation:

The Mayor or Charter Committee Chair may determine in writing that a particular consultant, although a "designated position," is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Mayor or Charter Committee Chair's determination is a public record and shall be retained for public inspection in the same manner and location as this Conflict of Interest Code.